

Docket No. PHUS-104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re CONVENTIONAL patent application of:

VERGEZ, J. et al.

Serial No.: 10/733,156

Filed: 12/11/2003

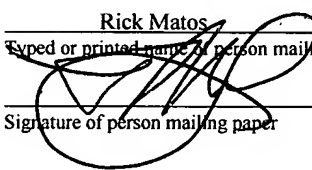
Group Art Unit: 1614

Examiner: N/A

For: Osmotic device containing licofelone

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 2, 2007.	
Rick Matos	_____
Typed or printed name of person mailing paper	
	_____
Signature of person mailing paper	

RESPONSE TO NOTICE REQUIRING EXCESS CLAIMS FEES

In response to the notice mailed January 25, 2007, Applicants submit the following response. Applicants request full consideration of this response and entry thereof into the record.

A check in the amount of \$1425 in payment of the excess claims fees is submitted herewith. Pending acceptance of this payment, Applicants request entry into the record of the amendment filed December 21, 2006.

Applicants have made a diligent effort to advance the prosecution of the application by amending the claims and presenting arguments in support of patentability. In view of the above, Applicants submit that the claims are in form for allowance. An early notice of allowance thereof is requested.

Respectfully submitted,

Date: 2-2-07

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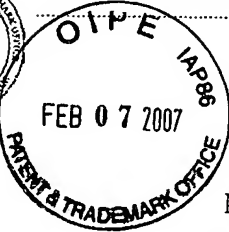
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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
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**NOTICE REQUIRING EXCESS CLAIMS FEES**

The excess claim(s) filed on 12/21/04 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ 1425, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☒ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☐ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

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THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

*Vicki R. Smith*

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Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.